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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,512	12/18/2000	Jaquelyn Annette Martino	US000363***	3118

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EXAMINER

NGUYEN, KIMNHUNG T

ART UNIT PAPER NUMBER

2629

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/739,512	<b>Applicant(s)</b> MARTINO ET AL.	
	<b>Examiner</b> Kimnhung Nguyen	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 3/29/06.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 20-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-7,9-11,19 and 25-27 is/are rejected.
- 7) ☒ Claim(s) 2,3,8, 20-24 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This Application has been examined. The claims 1-11 and 20-28 are pending. The claims 12-19 are withdrawn. The examination results are as following.

#### ***Claim Rejections - 35 USC § 112***

1. Claim 27 recites the limitation "said plurality of beads" in line 1. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,4-7, 9-11, 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Cohen et al. (US 6,262,711).

Regarding claims 1, 6, 25, Cohen et al. discloses in figure 2, a user interface (40) comprising at least two physical objects (see interactors 34), each associated with a respective data set consisting of at least one datum defining preferences (see fig. 2 and 11, see the interactors having own ID, see col. 14, lines 18-25 and see col. 13, lines 29-40); a controller (see 40, 42 44, 26 and 38) connected to a data store programmed to perform an operation on said respective data sets (see figs 2, 11), the controller having a receiver (because when the interactors contact the surface which receive the signal from the channel 38); at least one transmitter (see the signal will transmit to the computer 28, fig. 2) operatively, a control signal is

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transmitted to the receiver corresponding to an operation to be performed on at least one of the data sets and responsive to at least the other of the data sets, the controller being programmed to perform the operation (see fig. 2 and 11).

Regarding claim 4, Cohen discloses further comprising a console (fig. 2), the console housing the transmitter.

Regarding claims 5, 7, Cohen discloses that the console has a display (32, fig.2) and at least an inherent one control switch, the control signal being responsive to data entered through said at least one control switch and an image of said display being responsive to the control switch.

Regarding claims 9-11, 27, Cohen et al. discloses the user interface includes a contact elements that is configured to permit the controller to detect in contact with interface (see col. 7, lines 5-8), and each of the tokens contains a unique encoded signature transmittable to the controller via the interface such that the controller may distinguish among the tokens (see figures 2, 11, see interactors having own ID, see col. 14, lines 18-25 and see col. 13, lines 29-40).

#### ***Allowable Subject Matter***

4. Claims 2-3, 8, 20-24 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: The present invention is directed to a user interface, comprising: at least two physical objects, each associated with a respective data set consisting of at least one datum defining preferences of

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user; a controller connected to a data store and programmed to perform an operation on the respective data set, the controller having a receiver; at least one transmitter operatively associated with said at least two physical objects and responsive to a mechanical state of said at least two physical objects such that a control signal is transmitted to the receiver corresponding to an operation to be performed on at least one of the data sets. The closest prior art of Cohen et al. (US 6,262,711) shows a similar invention, however, he fails to teach that wherein the at least two physical objects are tokens connected by a chain, a wire, string, or filament as claims 2, 20; or wherein the beads connected by one or more flexible connectors as claim 8; or wherein one of said two physical objects is a bead that has a visual characteristic that visually distinguishes said one of said two physical objects from another one of said two physical objects as claim 21; or wherein one of said two physical objects is a soft bead comprising a pressure sensitive switch as claim 23; or wherein at least one of said plurality of tokens is a soft bead comprising: a pressure sensitive switch, and a scrollable display, wherein said pressure sensitive switch is configured to scroll said scrollable display if pressure is applied to said pressure sensitive switch as claim 28.

### *Response To Arguments*

6. Applicant's arguments filed 3/29/06 have been fully considered but they are not persuasive.

Applicant argues that “claims 1 and 25, as amended, recite “at least two objects each associated with a respective data set consisting of at least one datum defining preferences of user”.

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Examiner respectively disagrees because Cohen et al. discloses at least two objects each associated with a respective data set consisting of at least one datum defining preferences of user (see fig. 2 and 11, see the interactors having own ID, see col. 14, lines 18-25, col. 13, lines 29-40, see a computer implemented process 92 that runs on the microprocessor 88 and the user request has been processed, see col. 8, lines 7-48). For these reasons, the rejections are maintained.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Correspondence***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number is (571) 272-7698. The examiner can normally be reached on MON-FRI, FROM 8:30 AM-5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimnhung Nguyen  
June 12, 2006



RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
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